

1 HB471
2 191091-3
3 By Representative Knight (N & P)
4 RFD: Montgomery County Legislation
5 First Read: 01-MAR-18



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2 ENROLLED, An Act,

3 Relating to the City of Montgomery and the
4 Montgomery Airport Authority; to authorize the City of
5 Montgomery and the Montgomery Airport Authority to join the
6 Employees' Retirement System of Alabama and transfer assets
7 and liabilities of the existing Employees' Retirement System
8 of the City of Montgomery to the Employees' Retirement System
9 of Alabama; and to authorize the Employees' Retirement System
10 of Alabama to maintain and administer the retirement plans set
11 forth in Act 2013-385, 2013 Regular Session (Acts 2013, p.
12 1447), for the members of the Employees' Retirement System of
13 the City of Montgomery who do not elect to transfer, or are
14 not automatically transferred, to the Tier I Plan or the Tier
15 II Plan set forth in Chapter 27 of Title 36, Code of Alabama
16 1975.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. (a) Notwithstanding Act 2013-385, 2013
19 Regular Session (Acts 2013, p. 1447), the City of Montgomery,
20 by action of the city council, and the Montgomery Airport
21 Authority, by action of its governing board, may take any
22 action necessary to participate in the Employees' Retirement
23 System of Alabama pursuant to Section 36-27-6, Code of Alabama
24 1975, and the remaining provisions of Chapter 27 of Title 36,
25 Code of Alabama 1975, and may transfer any asset and liability

1 of the Employees' Retirement System of the City of Montgomery
2 to the Employees' Retirement System of Alabama, as necessary
3 for the City of Montgomery and the Montgomery Airport
4 Authority to participate in the Employees' Retirement System
5 of Alabama.

6 (b) Upon acceptance of the City of Montgomery in the
7 Employees' Retirement System of Alabama, the Board of the
8 Employees' Retirement System of the City of Montgomery may
9 terminate the retirement system established under Ordinance
10 No. 1659, as amended, according to the terms and conditions as
11 the Board of the Employees' Retirement System of the City of
12 Montgomery shall provide and upon satisfaction of any
13 obligation to any vested member of the system in the manner as
14 the board shall determine necessary.

15 Section 2. (a) (1) Members who began participation in
16 the Employees' Retirement System of the City of Montgomery
17 prior to October 1, 2013, shall have the option to continue to
18 participate in the benefit structure set forth in Act
19 2013-385, 2013 Regular Session (Acts 2013, p. 1447), or to
20 participate in the Tier I plan set forth in Chapter 27 of
21 Title 36, Code of Alabama 1975.

22 (2) The election under subdivision (1) must be made
23 in accordance with the procedures, rules, regulations, and
24 time periods established by the Board of Control of the
25 Employees' Retirement System of Alabama.

1 (b) (1) Members who began participation in the
2 Employees' Retirement System of the City of Montgomery on or
3 after October 1, 2013, shall be Tier II plan members as set
4 forth in Chapter 27 of Title 36, Code of Alabama 1975, except
5 that those members who are police or fire personnel prior to
6 the date that the City of Montgomery begins participation in
7 the Employees' Retirement System of Alabama have the option to
8 continue to participate in the benefit structure set forth in
9 Act 2013-385, 2013 Regular Session (Acts 2013, p. 1447).

10 (2) The election under subdivision (1) must be made
11 in accordance with the procedures, rules, regulations, and
12 time periods established by the Board of Control of the
13 Employees' Retirement System of Alabama.

14 (c) (1) The Employees' Retirement System of Alabama
15 is authorized to maintain and administer the retirement plans
16 set forth in Act 2013-385, 2013 Regular Session (Acts 2013, p.
17 1447), for those employees who elect to continue to
18 participate in the benefit structure under subsection (a) and
19 (b).

20 (2) The participants under subdivision (1) shall be
21 considered members of the Employees' Retirement System of
22 Alabama.

23 (d) Employees who begin employment with the City of
24 Montgomery on or after the date that the City of Montgomery
25 begins participation in the Employees' Retirement System of

1 Alabama and employees who begin employment with the Montgomery
2 Airport Authority on or after the date the Montgomery Airport
3 Authority begins participation in the Employees' Retirement
4 System of Alabama shall participate in the Employees'
5 Retirement System of Alabama in accordance with Section
6 36-27-6, Code of Alabama 1975.

7 Section 3. The amounts certified each year to the
8 chief financial officer of the City of Montgomery and the
9 chief financial officer of the Montgomery Airport Authority
10 pursuant to Section 36-27-6(g), Code of Alabama 1975, shall be
11 included in the respective budget of the city and the
12 authority in accordance with legal budget procedure of each
13 entity.

14 Section 4. The provisions of this act are severable.
15 If any part of this act is declared invalid or
16 unconstitutional, that declaration shall not affect the part
17 which remains.

18 Section 5. All laws or parts of laws which conflict
19 with this act are repealed.

20 Section 6. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.

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Mac McClatchey

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Speaker of the House of Representatives

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Dee Murr

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President and Presiding Officer of the Senate

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House of Representatives

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I hereby certify that the within Act originated in
and was passed by the House 13-MAR-18, as amended.

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Jeff Woodard
Clerk

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Senate

22-MAR-18

Passed

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APPROVED

4/6/18

TIME

2:52 pm

Kay Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2018-559
Bill Num....: H-471

SENATE ACTION
(Continued)

DATE: 3-22-18 RD 3 at length
PASSED ☒ PASSED AS AMENDED ☐

YEAS 26 NAYS 11
And was ordered returned forthwith to the House.
PATRICK HARRIS,
Secretary

DATE: 20
INDEFINITELY POSTPONED YEAS NAYS

DATE: 20
RECONSIDERED YEAS NAYS

CONFERENCE COMMITTEE

Senate Conferees _____

This bill having been referred to the Committee on
Rules pursuant to Senate Rule 23 is reported to the
Senate for assignment to the Committee on:

This _____ day of _____, 20____
_____, Chairperson

Date: _____ Rereferred

Committee: _____